

## **AMENDMENTS TO THE CLAIMS:**

The following listing of claims replaces all prior listings of claims in the present application.

### **What is claimed is:**

1. (Currently Amended) A providing service control device comprising:  
a module obtaining performance information indicating a state of a traffic congestion from a monitor target network;  
a module storing information, as contract data of a contract with a user, showing a service substitutionally providable corresponding to the state of the traffic congestion; and  
a control module determining the substitutionally providable service for every the user on the basis of the obtained performance information and the contract data, and having the corresponding service provided to a client terminal used by the user.
2. (Original) A providing service control device according to claim 1, wherein said monitor target network is an IP network including the Internet and a provider network, and said providing service control device is disposed in said provider network.
3. (Original) A providing service control device according to claim 1, wherein said control module controls at least one of a network device and a server within a provider network, and has the corresponding service provided to said client terminal used by the user.

4. (Original) A providing service control device according to claim 3, wherein said control module changes at least one of a data size and a data quality of data transmitted by said server to said client terminal as the substitutionally providable service.

5. (Original) A providing service control device according to claim 4, wherein the changed data to be transmitted by said server to said client terminal are content data registered previously in said server by a content provider.

6. (Original) A providing service control device according to claim 3, wherein said control module has a transmission band of an Internet access line changed that is utilized by said client terminal.

7. (Original) A providing service control device according to claim 1, further comprising a module notifying said client terminal of the obtained performance information.

8. (Original) A providing service control device according to claim 7, further comprising a module receiving a contract data change request that responds to the performance information of which said client terminal has been notified.

9. (Currently Amended) A network system comprising:

(A) a providing service control device comprising:

(a) a module obtaining performance information indicating a state of a traffic congestion from a monitor target network;

(b) a module storing information, as contract data of a contract with a user, showing a service substitutionally providable corresponding to the state of the traffic congestion; and

(c) a control module determining the substitutionally providable service for every the user on the basis of the obtained performance information and the contract data, and having the corresponding service provided to a client terminal used by the user; and

(B)said client terminal comprising:

(d) a module independently obtaining performance information indicating a state of a traffic congestion from said monitor target network; and

(e) a module executing the contract data change request on the basis of the independently obtained performance information.

10. (Original) A network system according to claim 9, wherein said providing service control device further comprises a module notifying said client terminal of the obtained performance information, and

said client terminal further comprises a module receiving the performance information of which said providing service control device has notified.

11. (Original) A network system according to claim 10, wherein said providing service control device further comprises a module receiving the contract data change request that responds to the performance information of which said client terminal has been notified, and

said client terminal further comprises a module executing the contract data change request based on the performance information of which said providing service control device has notified.

12. (Original) A network system according to claim 11, wherein said client terminal further comprises a module controlling said client terminal itself on the basis of any one of the independently obtained performance information and the performance information of which said providing service control device has notified.

13. (Original) A network system according to claim 9, wherein said monitor target network is an IP network including the Internet and a provider network, and said providing service control device is disposed in said provider network.

14. (Original) A network system according to claim 9, wherein said control module controls at least one of a network device and a server within a provider network, and has the corresponding service provided to said client terminal used by the user.

15. (Original) A network system according to claim 14, wherein said control module changes at least one of a data size and a data quality of data transmitted by said server to said client terminal as the substitutionally providable service.

16. (Original) A network system according to claim 15, wherein the changed data to be transmitted by said server to said client terminal are content data registered previously in said server by a content provider.

17. (Original) A network system according to claim 14, wherein said control module has a transmission band of an Internet access line changed that is utilized by said client terminal.

18. (Currently Amended) A providing service control method comprising:  
obtaining performance information indicating a state of a traffic congestion from a monitor target network;  
storing information, as contract data of a contract with a user, showing a service substitutionally providable corresponding to the state of the traffic congestion; and  
determining the substitutionally providable service for every the user on the basis of the obtained performance information and the contract data, and having the corresponding service provided to a client terminal used by the user.

19. (Original) A providing service control method according to claim 18, further comprising controlling at least one of a network device and a server within a provider network, and having the corresponding service provided to said client terminal used by the user.

20. (Original) A providing service control method according to claim 19, further comprising changing at least one of a data size and a data quality of data transmitted by said server to said client terminal as the substitutionally providable service.

21. (Original) A providing service control method according to claim 20, wherein the changed data to be transmitted by said server to said client terminal are content data registered previously in said server by a content provider.

22. (Original) A providing service control method according to claim 19, further comprising having a transmission band of an Internet access line changed that is utilized by said client terminal.

23. (Original) A providing service control method according to claim 18, further comprising notifying said client terminal of the obtained performance information.

24. (Original) A providing service control method according to claim 23, further comprising receiving a contract data change request that responds to the performance information of which said client terminal has been notified.

25. (Currently Amended) A readable-by-computer recording medium recorded with a program read by a computer to execute:

obtaining performance information indicating a state of a traffic congestion from a monitor target network;

storing information, as contract data of a contract with a user, showing a service substitutionally providable corresponding to the state of the traffic congestion; and

determining the substitutionally providable service for every the user on the basis of the obtained performance information and the contract data, and having the corresponding service provided to a client terminal used by the user.